

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JOSEPH FORTE)	
)	
)	
Plaintiff,)	Civil Case No. 1:21-CV-557
)	
vs.)	
)	
GENESYS TELECOMMUNICATIONS)	
LABORATORIES, INC.)	
)	Removed from Marion County
)	Superior Court, Cause No.
Defendant.)	49D03-2102-CT-007145

NOTICE OF REMOVAL

Defendant Genesys Telecommunications Laboratories, Inc.¹ (“Defendant” or “Genesys”) files this Notice of Removal. Defendant removes this case from the Marion Superior Court (Marion County, Indiana) to the United States District Court for the Southern District of Indiana, Indianapolis Division, pursuant to 28 U.S.C. §§ 1331, 1441, 1446. The grounds for this removal are further detailed as follows:

1. On February 26, 2021 Plaintiffs filed a Complaint against Genesys in the Marion County Superior Court, Cause No. 49D03-2102-CT-007145.
2. On March 2, 2021, Plaintiff filed its Summons indicating service would be by certified mail. No proof of service has been filed, and Defendant to the best of its knowledge has not yet been served.

¹ The Defendant was incorrectly named in the state court proceeding as Genesys Telecom US, Inc. The correct name of Defendant is Genesys Telecommunications Laboratories, Inc.

3. Pursuant to 28 U.S.C. § 1446(a), no “process, pleadings and orders” have yet been received by Defendant, but the Complaint filed against Defendant and pulled from the public docket is attached as **Exhibit B**. The entire State Court Record is attached as **Exhibit A**.

4. The lawsuit is a civil action alleging violations of The Americans with Disabilities Act of 1990 (“ADA”) as amended by the ADA Amendments Act of 2008 (“ADAAA”), 42 U.S.C. §§ 12101-12112 (collectively, the “ADA”). (*See* Compl. ¶ 1).

5. The federal district courts have original jurisdiction over ADA claims pursuant to 28 U.S.C. § 1331 (“The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”).

6. The lawsuit is properly removed to this Court pursuant to 28 U.S.C. § 1441(a) because the United States District Court for the Southern District of Indiana is the federal judicial district encompassing Marion County, Indiana, where this action was filed.

7. The lawsuit is properly removed pursuant to 28 U.S.C. § 1446(b)(2)(A), as Genesys the only Defendant in this matter who has been properly joined.

8. This notice of removal is timely filed in compliance with 28 U.S.C. § 1446(b) because it was filed within 30 days of service given that service has not yet occurred.

9. Pursuant to 28 U.S.C. § 1446(d), Defendant is giving written notice of the filing of the Notice of Removal to Plaintiff, through counsel, and a copy of this Notice of Removal is being filed with the Clerk of the Marion County Superior Court.

10. Accordingly, Defendant hereby removes this action from the Marion County Superior Court to the United States District Court for the Southern District of Indiana.

Dated: March 9, 2021

Respectfully submitted,

/s/John R. Maley

John R. Maley (14300-89)

Thomas C. Payne (34727-49)

BARNES & THORNBURG LLP

11 S. Meridian Street

Indianapolis, IN 46204

Telephone: (317) 231-7464 (Mr. Maley)

Telephone: (317) 261-7852 (Mr. Payne)

Facsimile: (317) 231-7433

Email: jmaley@btlaw.com

tpayne@btlaw.com

Attorneys for Defendant Genesys

CERTIFICATE OF SERVICE

The undersigned hereby certifies on the 9th day of March, 2021 a true and complete copy of the foregoing has been served upon the following counsel of record via First Class, U.S. Mail, postage prepaid:

Aaron J. Williamson (32803-49)
WILLIAMSON CIVIL LAW, LLC
8888 Keystone Crossing Suite 1300
Indianapolis, IN 46204
Aaron.williamson@wcivllaw.com

/s/John R. Maley